

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2010 Legislative Session**

**Legislative Day No. 4  
April 5, 2010**

**HOWARD COUNTY TO WIT:**

The Chairman called the legislative session to order at 7:26 p.m..

Courtney Watson, Chairperson; Mary Kay Sigaty, Vice Chairperson; Calvin Ball, Council Member; Greg Fox, Council Member; and Jennifer Terrasa, Council Member, were present.

Stephen LeGendre, Administrator to the County Council; Margaret Ann Nolan, County Solicitor; Paul Johnson, Deputy County Solicitor; James Vannoy, Assistant County Attorney; and Jennifer Sager, Legislative Coordinator, were also present.

**APPROVE JOURNAL**

The Chairperson moved to approve the journal for Day No. 3, March 1, 2010. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

The motion to approve the journal passed.

**APPROVE MINUTES**

The Chairperson moved to approve the minutes for:

Legislative Public Hearing – March 15, 2010  
Legislative Public Hearing Continued – March 16, 2010  
Legislative Work Session – March 22, 2010

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

The motion to approve the minutes passed.

## **INTRODUCTION OF LEGISLATION**

The following legislation is introduced by the Chairperson at the request of the County Executive unless otherwise noted:

### **Appointments**

Council Resolution No. 14-2010 – Confirming the appointment of Joe Bak to the Housing Commission

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A RESOLUTION confirming the appointment of Joe Bak to the Housing Commission.

Council Resolution No. 15-2010 – Confirming the appointment of Robert A. Freedman to the Public Works Board

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A RESOLUTION confirming the appointment of Robert A. Freedman to the Public Works Board.

Council Resolution No. 16-2010 – Confirming the appointment of Anne Markus to the Board of Library Trustees

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A RESOLUTION confirming the appointment of Anne Markus to the Board of Library Trustees.

Council Resolution No. 17-2010 – Confirming the appointment of Joan W. Scornaienchi to the Alcohol & Drug Abuse Advisory Board

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A RESOLUTION confirming the appointment of Joan W. Scornaienchi to the Alcohol & Drug Abuse Advisory Board.

Council Resolution No. 18-2010 – Confirming the appointment of Genevieve E. Walker-Lightfoot to the Human Rights Commission

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A RESOLUTION confirming the appointment of Genevieve E. Walker-Lightfoot to the Human Rights Commission.

Council Resolution No. 19-2010 – Confirming the appointment of H. Taylor Walls to the Human Rights Commission

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A RESOLUTION confirming the appointment of H. Taylor Walls to the Human Rights Commission.

Council Resolution No. 20-2010 – Confirming the appointment of Dave Willemain to the Alcohol & Drug Abuse Advisory Board

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A RESOLUTION confirming the appointment of Dave Willemain to the Alcohol & Drug Abuse Advisory Board.

Council Resolution No. 21-2010 – Confirming the reappointment of Deborah S. Adler to the Commission on Aging

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A RESOLUTION confirming the reappointment of Deborah S. Adler to the Commission on Aging.

Council Resolution No. 22-2010 – Confirming the reappointment of Dr. Chein-Chi Chang to the Environmental Sustainability Board

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A RESOLUTION confirming the reappointment of Dr. Chein-Chi Chang to the Environmental Sustainability Board.

Council Resolution No. 23-2010 – Confirming the reappointment of Patricia Davis to the Human Rights Commission

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A RESOLUTION confirming the reappointment of Patricia Davis to the Human Rights Commission.

Council Resolution No. 24-2010 – Confirming the reappointment of Georgia Eacker to the Environmental Sustainability Board

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A RESOLUTION confirming the reappointment of Georgia Eacker to the Environmental Sustainability Board.

Council Resolution No. 25-2010 – Confirming the reappointment of Janet L. Gauntt to the Howard County Animal Matters Hearing Board

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A RESOLUTION confirming the reappointment of Janet L. Gauntt to the Howard County Animal Matters Hearing Board.

Council Resolution No. 26-2010 – Confirming the reappointment of Salman Hussain to the Human Rights Commission

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A RESOLUTION confirming the reappointment of Salman Hussain to the Human Rights Commission.

Council Resolution No. 27-2010 – Confirming the reappointment of Cindy Knowlton to the Howard County Animal Matters Hearing Board

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A RESOLUTION confirming the reappointment of Cindy Knowlton to the Howard County Animal Matters Hearing Board.

Council Resolution No. 28-2010 – Confirming the reappointment of Shirley Matlock to the State Agricultural Preservation Advisory Board and to the Howard County Agricultural Land Preservation Board

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A RESOLUTION confirming the reappointment of Shirley Matlock to the State Agricultural Preservation Advisory Board and to the Howard County Agricultural Land Preservation Board.

Council Resolution No. 29-2010 – Confirming the appointment of Ted L. Meyerson to the Commission on Aging

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A RESOLUTION confirming the appointment of Ted L. Meyerson to the Commission on Aging.

Council Resolution No. 30-2010 – Confirming the reappointment of Jane O’Leary to the Board to Promote Self-Sufficiency

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A RESOLUTION confirming the reappointment of Jane O’Leary to the Board to Promote Self-Sufficiency.

Council Resolution No. 31-2010 – Confirming the reappointment of Zack H. Shariff to the Environmental Sustainability Board

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A RESOLUTION confirming the reappointment of Zack H. Shariff to the Environmental Sustainability Board.

Council Resolution No. 32-2010 – Confirming the reappointment of Sharon Ransome Smith to the Board to Promote Self-Sufficiency

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A RESOLUTION confirming the reappointment of Sharon Ransome Smith to the Board to Promote Self-Sufficiency.

Council Resolution No. 33-2010 – Confirming the reappointment of Joshua Tzucker to the Planning Board

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A RESOLUTION confirming the reappointment of Joshua Tzucker to the Planning Board.

Council Resolution No. 34-2010 – Confirming the reappointment of Sharonlee Vogel to the Commission on Aging

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A RESOLUTION confirming the reappointment of Sharonlee Vogel to the Commission on Aging.

Council Resolution No. 35-2010 – Confirming the reappointment of Paul R. Willging, Ph.D. to the Commission on Aging

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A RESOLUTION confirming the reappointment of Paul R. Willging, Ph.D. to the Commission on Aging.

Council Resolution No. 36-2010 – Confirming the reappointment of Helen Woods to the Board to Promote Self-Sufficiency

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A RESOLUTION confirming the reappointment of Helen Woods to the Board to Promote Self-Sufficiency.

**Financial**

Council Bill No. 11-2010 – To authorize and empower Howard County, Maryland, to enter into installment purchase agreements to acquire development rights in agricultural lands located within the County (Project No. G0163), for an aggregate deferred purchase price of not more than \$12,500,000, plus interest thereon, and an aggregate up-front purchase price of not more than \$14,030,000; providing that the County's obligation to pay the deferred portion of the purchase price under such agreements and interest thereon shall be a general obligation of the County made upon its full faith and credit; and to levy taxes upon the assessable property within the County sufficient, together with the portion of the transfer tax imposed on transfers of real property in Howard County which is dedicated to agricultural land preservation and other available funds, to provide for the payment of the deferred portion of the purchase price under any agreements so entered into and interest thereon; and providing for and determining various matters in connection therewith

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AN ACT to authorize and empower Howard County, Maryland, to enter into installment purchase agreements to acquire development rights in agricultural lands located within the County (Project No. G0163), for an aggregate deferred purchase price of not more than \$12,500,000, plus interest thereon, and an aggregate up-front purchase price of not more than \$14,030,000; providing that the County's obligation to pay the deferred portion of the purchase price under such agreements and interest thereon shall be a general obligation of the County made upon its full faith and credit; and to levy taxes upon the assessable property within the County sufficient, together with the portion of the transfer tax imposed on transfers of real property in Howard County which is dedicated to agricultural land preservation and other available funds, to provide for the payment of the deferred portion of the purchase price under any agreements so entered into and interest thereon; and providing for and determining various matters in connection therewith.

Council Bill No. 12-2010 – Pursuant to Section 610 of the Howard County Charter, amending the Annual Budget and Appropriation Ordinance of Howard County, Fiscal Year 2010 in order to pay unanticipated expenses for snow removal from revenues received from anticipated sources but in excess of budget estimates for Fiscal Year 2010; and declaring this to be an emergency Act

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AN ACT, pursuant to Section 610 of the Howard County Charter, amending the Annual Budget and Appropriation Ordinance of Howard County, Fiscal Year 2010 in order to pay unanticipated expenses for snow removal from revenues received from anticipated sources but in excess of budget estimates for Fiscal Year 2010; and declaring this to be an emergency Act.

Council Resolution No. 37-2010 - Adopted pursuant to the Maryland Economic Development Revenue Bond Act providing for the consent by Howard County, Maryland to (1) the transfer of the 634-unit residential rental housing facility located in Elkridge, Maryland known as the “Sherwood Crossing Apartments,” by Sherwood Crossing Apartments, LLC to WLA Sherwood Investors VI, L.L.C. (the “Purchaser”), the costs of which facility were refinanced with the proceeds of the County’s Variable Rate Demand Multifamily Housing Revenue Refunding Bonds (Sherwood Crossing Apartments) Series 2003, and (2) the assumption by the Purchaser of all of the borrower’s obligations under the related documents; making certain findings; and authorizing the County Executive and other County officials to do all acts and execute all documents necessary in connection therewith

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A RESOLUTION adopted pursuant to the Maryland Economic Development Revenue Bond Act providing for the consent by Howard County, Maryland to (1) the transfer of the 634-unit residential rental housing facility located in Elkridge, Maryland known as the “Sherwood Crossing Apartments,” by Sherwood Crossing Apartments, LLC to WLA Sherwood Investors VI, L.L.C. (the “Purchaser”), the costs of which facility were refinanced with the proceeds of the County’s Variable Rate Demand Multifamily Housing Revenue Refunding Bonds (Sherwood Crossing Apartments) Series 2003, and (2) the assumption by the Purchaser of all of the borrower’s obligations under the related documents; making certain findings; and authorizing the County Executive and other County officials to do all acts and execute all documents necessary in connection therewith.

### **General**

Council Bill No. 13-2010 – Pursuant to the Maryland Stormwater Management Act of 2007, amending certain stormwater management regulations in the Howard County Code; clarifying certain goals; defining certain terms; amending certain definitions; proving that new regulations shall apply to certain projects; requiring certain stormwater management measures and certain design criteria; requiring certain plans including an Environmental Concept Plan; requiring that certain plans be approved before certain permits can be issued; providing a process for certain stormwater management alternative compliance and stormwater management waivers; requiring certain sureties; amending certain inspection authority in accordance with changes to the Howard County Design Manual; making certain technical corrections and reorganizing certain sections; and generally related to stormwater management in Howard County

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AN ACT, pursuant to the Maryland Stormwater Management Act of 2007, amending certain stormwater management regulations in the Howard County Code; clarifying certain goals; defining certain terms; amending certain definitions; proving that new regulations shall apply to certain projects; requiring certain stormwater management measures and certain design criteria; requiring certain plans including an Environmental Concept Plan; requiring that certain plans be approved before certain permits can be issued; providing a process for certain stormwater management alternative compliance and stormwater management waivers; requiring certain sureties; amending certain inspection authority in accordance with changes to the Howard County Design Manual; making certain technical corrections and reorganizing certain sections; and generally related to stormwater management in Howard County.

Council Bill No. 14-2010 – Introduced by Mary Kay Sigaty, Calvin Ball, Jennifer Terrasa, & Courtney Watson - To specify the minimum size of certain buildings to which the Howard County Green Buildings Law applies in Downtown Columbia; defining a certain term; and generally relating to building efficiency and design

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AN ACT to specify the minimum size of certain buildings to which the Howard County Green Buildings Law applies in Downtown Columbia; defining a certain term; and generally relating to building efficiency and design.

Council Bill No. 15-2010 – Introduced by: Mary Kay Sigaty, Calvin Ball, Jennifer Terrasa, & Courtney Watson - Amending the Howard County Code to require that the Design Advisory Panel review and provide advice on Downtown Columbia Revitalization, under certain circumstances; requiring that the Panel consider the Columbia Downtown-wide Design Guidelines and Downtown Neighborhood Design Guidelines when reviewing certain types of development plans; allowing the County Council and the Planning Board to consider the Panel's recommendations when taking certain actions; and generally relating to the Design Advisory Panel

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AN ACT amending the Howard County Code to require that the Design Advisory Panel review and provide advice on Downtown Columbia Revitalization, under certain circumstances; requiring that the Panel consider the Columbia Downtown-wide Design Guidelines and Downtown Neighborhood Design Guidelines when reviewing certain types of development plans; allowing the County Council and the Planning Board to consider the Panel's recommendations when taking certain actions; and generally relating to the Design Advisory Panel.

Council Bill No. 16-2010 (ZRA-118) – Introduced by The Chair at the request of MDG Companies - amending the Howard County Zoning Regulations' CE (Corridor Employment) Zoning District to allow for an increase in commercial uses within office buildings, hotels or parking structures; allow banks to have two drive through lanes in certain circumstances; allow restaurant, fast food with a drive-through in certain circumstances; establishing a minimum setback from the Route 1 right-of-way; and generally relating to the CE Zoning District

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AN ACT amending the Howard County Zoning Regulations' CE (Corridor Employment) Zoning District to allow for an increase in commercial uses within office buildings, hotels or parking structures; allow banks to have two drive through lanes in certain circumstances; allow restaurant, fast food with a drive-through in certain circumstances; establishing a minimum setback from the Route 1 right-of-way; and generally relating to the CE Zoning District.

Council Resolution No. 38-2010 - Revising Chapter 5, Stormwater Management, of Volume I (Storm Drainage) of the Design Manual in order to amend the standards and specifications relating to the design and construction of stormwater management facilities in Howard County

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A RESOLUTION revising Chapter 5, Stormwater Management, of Volume I (Storm Drainage) of the Design Manual in order to amend the standards and specifications relating to the design and construction of stormwater management facilities in Howard County.

Council Resolution No. 39-2010 – Adopting Howard County’s Annual Action Plan for housing and community services to qualify for the receipt of federal Community Development Block Grant and Home Investment Partnership Program funds.

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A RESOLUTION adopting Howard County’s Annual Action Plan for housing and community services to qualify for the receipt of federal Community Development Block Grant and Home Investment Partnership Program funds.

Council Resolution No. 40-2010 - Introduced by the Chairperson - Calling the County Council of Howard County, Maryland into legislative session on May 19, 2010.

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A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on May 19, 2010.

## **FINAL CONSIDERATION**

### **Consent**

Council Resolution No. 11-2010 – Introduced by: Chair - Appointing John Lederer to the Board of Appeals of Howard County, Maryland, to fill a term ending on December 31, 2014

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Council Resolution No. 12-2010 – Confirming the appointment of Pamela E. Kumar to the Board of Directors of the Howard County Mental Health Authority

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Council Resolution No. 13-2010 – Confirming the appointment of Jaykant Parekh to the Equal Business Opportunity Commission

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The Chairperson moved to adopt the resolutions on the consent agenda. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the resolutions was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Council Resolutions No. 11-2010, No. 12-2010 and No. 13-2010 passed.

### **Financial**

Supplemental Budget & Appropriation Ordinance No. 13-Fiscal 2010 – Transferring \$130,000 from the General Fund, Contingency Reserve to the Office of Law to cover certain unanticipated salary costs



The Chairperson moved to adopt Supplemental Budget & Appropriation Ordinance No. 13-Fiscal 2010. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the ordinance was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Supplemental Budget & Appropriation Ordinance No. 13-Fiscal 2010 passed.

Supplemental Budget & Appropriation Ordinance No. 14-Fiscal 2010 - Transferring \$1,370,000 from the General Fund, Contingency Reserve to the Department of Public Works for unanticipated expenses for snow removal

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The Chairperson moved to adopt Supplemental Budget & Appropriation Ordinance No. 14-Fiscal 2010. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the ordinance was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Supplemental Budget & Appropriation Ordinance No. 14-Fiscal 2010 passed.

### **General**

Council Bill No. 10-2010 - Amending the General Plan 2000 to adopt the Howard County Water Resources Element in accordance with State law; and generally relating to the General Plan 2000

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The Chairperson moved to adopt Council Bill No. 10-2010. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 10-2010 as follows: *(This amendment clarifies certain language in the Water Resources Element.)*

In the Water Resources Element, as attached to Council Bill No. 10-2010, make the following changes:

- (1) On page 6, in the fifth paragraph under the heading “Planned Service Area and Priority Funding Area,” strike the first sentence that begins “In 2002,” and substitute: “Generally, an extension to the PSA is allowed only if the proposed expansion is part of a proposed zoning and is consistent with the General Plan and Smart Growth policies or for public or institutional uses provided that such an extension is limited to the minimum parcel size necessary to serve the proposed use.”
- (2) On page 21, in the second paragraph under the heading “Redevelopment within/Expansion of the Planned Service Area,” strike the last sentence that begins “To reduce flow” and substitute “Wastewater treatment shall be provided within the Patuxent Service Area to minimize increases in flow and the nutrient concentration in flow sent to the Little Patuxent WRP from expansion of the PSA for Doughoregan Manor.”

- (3) On page 21, in the third paragraph under the heading “Redevelopment within/Expansion the Planned Service Area,” strike the last sentence that begins “This can be achieved” and substitute “This can be achieved through a combination of water conservation and reuse, and wastewater treatment and the use of reclaimed water.”.
- (4) On page 51, in Appendix A, after Figure A-10, insert:

**“Modifications to the Growth Projections**

Subsequent to the preparation of the growth projections used in this document, a proposal to develop 2,000 apartment units at Doughoregan Manor was withdrawn by the applicant. In the fall of 2009, the property owners submitted a new request to develop about 325 single family detached units on a portion of the property. It is assumed that the 325 homes would be built between 2010 and 2020. Based on the persons per household factors used in this report, the revised Doughoregan Manor development proposal would only have around 40% of the original population estimate. This new proposal for single family detached homes, if approved, would have a lesser demand for water and sewer services than the original proposal for a continuing care retirement community with 2,000 age-restricted dwelling units.”

- (5) On page 61, in Appendix B, after Figure B-9, insert:

**“Modifications to the Nonpoint and Point Source Loadings**

Subsequent to the preparation of the nonpoint and point source nutrient load analysis used in this document, the proposal to develop 2,000 apartment units at Doughoregan Manor was withdrawn by the applicant. In the fall of 2009, the property owners submitted a new request to develop about 325 single family detached units on the same portion of the property. It is assumed that the 325 homes would be built between 2010 and 2020. If approved, the revised Doughoregan Manor development proposal would change the future land use on the property from high density residential to low density residential. Total land use change in the County would stay the same, but the 2030 land use projections would have a minor increase in low density residential land use and a minor decrease in high density residential land use. There would be a minor decrease in future impervious cover and future nonpoint source nutrient loads, because low density residential land use has a lower impervious cover and lower nutrient loading rate than high density residential land use. Point source loads from the Little Patuxent WRP and the County’s total nutrient loads would also be slightly lower than projected.”

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The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Amendment No. 1 to Council Bill No. 10-2010 as follows: *(This amendment clarifies that wastewater treatment should be provided within the Patuxent Service Area to minimize increases in flow and nutrient concentration in flow sent to the Little Patuxent WRP from expansion of the PSA for Doughoregan Manor.)*

On page 1, in line 13, strike “shall” and substitute “should”.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 1 to the amendment was:

Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Amendment No. 1 to Amendment No. 1 to Council Bill No. 10-2010 passed.

The Chairperson moved to adopt Amendment No. 2 to Amendment No. 1 to Council Bill No. 10-2010 as follows: *(This amendment clarifies a reference to expansion in sewage collection system pipe capacity for development of Doughoregan Manor.)*

On page 1, in line 10, insert

“On page 21, in the first full paragraph under the heading “Redevelopment within/Expansion of the Planned Service Area” in the last sentence, strike everything after “system,” and substitute “system, but will require the advancement and construction of a capital project, currently in the capital budget, to provide adequate capacity in the sewage collection system.”.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 2 to the amendment was:

Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Amendment No. 2 to Amendment No. 1 to Council Bill No. 10-2010 passed.

The Chairperson moved to adopt Amendment No. 3 to Amendment No. 1 to Council Bill No. 10-2010 as follows: *(This amendment requires the County consider the impact on County residents when evaluating expansion or redevelopment in the Planned Service Area.)*

On page 1, in line 21, insert

“On page 23, at the end of the first full paragraph after the bulleted list, insert ‘In evaluating alternative options, consideration shall be given to the impact on County residents and the County with respect to, but not limited to, odor, transportation of sludge, capital costs, and operating costs.’”

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 3 to the amendment was:

Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Amendment No. 3 to Amendment No. 1 to Council Bill No. 10-2010 passed.

The roll call vote called by the Chairperson on Amendment No. 1 as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Amendment No. 1 to Council Bill No. 10-2010 passed as amended.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Council Bill No. 10-2010 passed as amended.

Council Bill No. 9-2010 – Amending the General Plan 2000 by adjusting the Planned Service Area boundary of the Master Plan for Water and Sewerage to include approximately 221.1 acres of the historic Doughoregan property located south of Frederick Road (Md Route 144) and just west of the Kiwanis-Wallis Park, in Ellicott City, Howard County, Maryland; providing that certain expansions will be null and void unless certain conditions are met; and generally relating to the General Plan 2000

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The Chairperson moved to adopt Council Bill No. 9-2010. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 9-2010 as follows: *(This amendment removes certain references to inclusion into the Metropolitan District and to the Master Plan for Water and Sewerage which are different processes under the County Code.)*

In the title, strike “of the Master Plan for Water and Sewerage” and substitute “for water and sewer service”.

On page 1, in line 1, strike “and the Master Plan for Water and Sewerage”.

On page 1, in line 2, strike “establish” and substitute “establishes”.

On page 3, in line 8, strike “and the”.

On page 3, in line 9, strike “*Metropolitan District inclusion, if applicable,*”.

On page 3, in line 10, strike “and the Metropolitan District,”.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Amendment No. 1 to Council Bill No. 9-2010 passed.

The Chairperson moved to adopt Amendment No. 3 to Council Bill No. 9-2010 as follows: *(This amendment provides that if a Developer Rights and Responsibilities Agreement containing provisions for preservation of land for agriculture, density, road access, preservation and restoration of historic core, donation of parkland and alternatives to address wastewater and related impacts amongst others is not in effect within a specified time period that the General Plan Amendment extending the Planned Service Area to the property is deemed null and void.)*

On page 3, in line 13 after “I” insert “A Developer Rights and Responsibilities Agreement is not executed within 180 days from the effective date of this Act with terms and conditions including, but not limited to, provisions for:”

- (a) the agricultural preservation of approximately 500 acres of the Property,
- (b) the recordation of covenants of at least 90 acres preventing the further subdivision of the historic core that includes the manor house and historic outbuildings,
- (c) residential development to be restricted to approximately 221 acres on the eastern-most portion of the Property,
- (d) a maximum of 325 single-family detached homes,
- (e) a methodology and / or commitment to honor Council Resolution 43-1989's termination of Burnside Drive,
- (f) the donation of at least 34 acres of land to Howard County for park land to expand Kiwanis-Wallis Park,
- (g) a methodology to evaluate alternatives to assure TMDL sewer impacts from the development will be addressed by way of off-site treatment, pretreatment or funding of fair share contribution to sewer system as directed by County and that selected solution addresses and considers odor, transportation of sludge, capital costs, and operating costs to existing residents and the County, and
- (h) a plan for the utilization of a portion of funds from the residential development to ensure the restoration and on-going maintenance to the historic core including the manor house and historic out buildings; or (2)".

Also on Page 3, in line 15, strike "2" and substitute "(3)".

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The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 2 to Amendment No. 3 to Council Bill No. 9-2010 as follows: *(The amendment adds a cosponsor.)*

On page 1, in the "By:" section, add "Courtney Watson".

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 2 to the amendment was:  
Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Amendment No. 2 to Amendment No. 3 to Council Bill No. 9-2010 passed.

The Chairperson moved to adopt Amendment No. 4 to Amendment No. 3 to Council Bill No. 9-2010 as follows: *(This amendment strikes a recital related to water and sewer infrastructure capacity and cost to serve the Property.)*

On page 2, strike lines 16 through 18 in their entirety

Also on page 2, in line 20, strike "also".

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 4 to the amendment was:  
Nay: Council Members Ball, Fox and Sigaty; Yea: Council Members Watson and Terrasa.

Amendment No. 4 to Amendment No. 3 to Council Bill No. 9-2010 failed.

The Chairperson moved to adopt Amendment No. 7 to Amendment No. 3 to Council Bill No. 9-2010 as follows: *(The amendment changes the sewer system provision for the Developer Rights and Responsibilities Agreement.)*

On page 1, strike lines 15 through line 1 on page 2, in their entirety and substitute:

“(g) a methodology to evaluate alternatives to assure wastewater treatment is provided to minimize increases in flow and the nutrient concentration in flow sent to the Little Patuxent WRP, and that the selected solution addresses and considers the impact on County residents and the County with respect to odor, transportation of sludge, capital costs, and operating costs, or funding of a fair share contribution for sewage treatment and disposal for systemic reduction of flow and nutrient concentration as directed by the County.”

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 7 to the amendment was: Yea: Council Members Ball, Fox, Sigaty, and Terrasa; Nay: Council Member Watson. Amendment No. 7 to Amendment No. 3 to Council Bill No. 9-2010 passed.

The Chairperson moved to adopt Amendment No. 5 to Amendment No. 3 to Council Bill No. 9-2010 as follows: *(The amendment changes provisions regarding the restoration and maintenance of the manor house.)*

On page 2, strike lines 3 through 5, in their entirety and substitute:

“(h) ensuring funding for the restoration and ongoing maintenance to the manor house and historic outbuildings; or (2)”.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 5 to the amendment was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa. Amendment No. 5 to Amendment No. 3 to Council Bill No. 9-2010 passed.

The Chairperson moved to adopt Amendment No. 8 to Amendment No. 3 to Council Bill No. 9-2010 as follows: *(The amendment adds a reference to density to the reversion of the Planned Service Area boundary.)*

On page 2, in line 6 insert:

“Also on page 3, strike line 13 through 14, and substitute:

‘The Property is not rezoned to result in a density that is equal to or less than the density allowed in R-ED zoning within 1 year from the effective date of this Act.’”

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 8 to the amendment was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.  
Amendment No. 8 to Amendment No. 3 to Council Bill No. 9-2010 passed.

The Chairperson moved to adopt Amendment No. 9 to Amendment No. 3 to Council Bill No. 9-2010 as follows: *(The amendment adds a reference to density to the recital concerning the preservation strategy.)*

On page 1, at the beginning of line 1 insert:

“On page 2, in line 3, strike “to be R-ED” and substitute ‘to result in a density that is equal to or less than the density allowed in R-ED zoning’”.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 9 to the amendment was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.  
Amendment No. 9 to Amendment No. 3 to Council Bill No. 9-2010 passed.

The Chairperson moved to adopt Amendment No. 12 to Amendment No. 3 to Council Bill No. 9-2010 as follows: *(The amendment changes the time for execution of the Developer Rights and Responsibilities Agreement.)*

On page 1, in line 2, strike “180” and substitute “215”.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 12 to the amendment was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.  
Amendment No. 12 to Amendment No. 3 to Council Bill No. 9-2010 passed.

The Chairperson moved to adopt Amendment No. 13 to Amendment No. 3 to Council Bill No. 9-2010 as follows: *(The amendment clarifies language for the Developer Rights and Responsibilities Agreement.)*

On page 1, strike lines 4 through 10, inclusive, and substitute:

“(a) the agricultural preservation of a majority of the Property;  
(b) the permanent preservation of historic structures on the property, including the manor house and historic outbuildings;  
(c) residential development, limited in both the number of units and the number of acres to be developed;”.

On the same page, in line 13, strike “at least 34 acres of”.

Renumber the remainder of the Amendment accordingly.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 13 to the amendment was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.  
Amendment No. 13 to Amendment No. 3 to Council Bill No. 9-2010 passed.

The roll call vote called by the Chairperson on Amendment No. 3 as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.  
Amendment No. 13 to Council Bill No. 9-2010 passed as amended.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.  
Council Bill No. 9-2010 passed as amended.

Council Bill No. 6-2010 (ZRA-120) – Introduced by: The Chair at the request of Cadogan Properties, LLC - Amending the Howard County Zoning Regulations’ BR (Business: Rural) Zoning District to allow certain properties in the Marriottsville (Water Only) Service Area of the Howard County Water and Sewerage Master Plan to be eligible for the BR Zoning District; and generally relating to the BR Zoning District

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The Chairperson moved to table Council Bill No. 6-2010. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion to table was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.  
The motion to table Council Bill No. 6-2010 passed.

Council Bill No. 7-2010 (ZRA-122) – Introduced by: The Chair at the request of Forest Venture II, LLC - Amending the Howard County Zoning Regulations to permit residential dwelling units in the B-1 and B-2 zoning districts to comprise up to a maximum of 50 percent of the floor area of a structure provided the dwelling units are located above the first floor level; and generally relating to residential uses in the B-1 and B-2 zoning districts

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The Chairperson moved to adopt Council Bill No. 7-2010. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 7-2010 as follows: *(This amendment would require a conditional use for residential uses in the B-1 and B-2 zoning districts).*

On the title page, in line 2 of the title, after “districts”, strike the remainder of line 2 and line 3, and insert the following:  
“as a conditional use, under certain circumstances;”.

On page 1, strike lines 1 through 4, in their entirety, and substitute the following:  
“**Section 1. Be it enacted** by the County Council of Howard County, Maryland, that Subsection E “Conditional Uses”, of Section 118 “B-1 (Business: Local) District”, Subsection E “Conditional Uses”, of Section 119 “B-2 (Business: General), and



Subsection N “Conditional Uses and Permissible Zoning Districts”, of Section 131 “Conditional Uses” of the Howard County Zoning Regulations are hereby amended to read as follows:”.

On page 1, strike lines 15 through 19, in their entirety, and insert the following:

“E.     **CONDITIONAL USES**  
      6.     RESIDENTIAL /COMMERCIAL BUILDINGS  
Renumber the remainder of the section accordingly.”

On page 1, strike lines 24 through 28, in their entirety, and insert the following:

“E.     **CONDITIONAL USES**  
      7.     RESIDENTIAL /COMMERCIAL BUILDINGS  
Renumber the remainder of the section accordingly.”

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Amendment No. 1 to Council Bill No. 7-2010 passed.

The Chairperson moved to table Council Bill No. 7-2010 as amended. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion to table the bill as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

The motion to table Council Bill No. 7-2010 as amended passed.

Council Bill No. 8-2010 (ZRA-123) – Introduced by: The Chair at the request of Forest Venture II, LLC - Amending the Howard County Zoning Regulations to allow the Zoning Board to approve variances to the bulk regulations in conjunction with site plan zoning petitions; and generally relating to Zoning Board consideration of site plan zoning petitions

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The Chairperson moved to table Council Bill No. 8-2010. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion to table was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

The motion to table Council Bill No. 8-2010 passed.

## **ADJOURNMENT**

The Chairperson adjourned the legislative session at 8:37 p.m..

## **TABLED LEGISLATION**

Council Bill No. 6-2010 (ZRA-120) – Introduced by: The Chair at the request of Cadogan Properties, LLC - Amending the Howard County Zoning Regulations' BR (Business: Rural) Zoning District to allow certain properties in the Marriottsville (Water Only) Service Area of the Howard County Water and Sewerage Master Plan to be eligible for the BR Zoning District; and generally relating to the BR Zoning District  
(*Tabled 04/05/2010*)

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Council Bill No. 7-2010 (ZRA-122) – Introduced by: The Chair at the request of Forest Venture II, LLC - Amending the Howard County Zoning Regulations to permit residential dwelling units in the B-1 and B-2 zoning districts to comprise up to a maximum of 50 percent of the floor area of a structure provided the dwelling units are located above the first floor level; and generally relating to residential uses in the B-1 and B-2 zoning districts (*Tabled 04/05/2010*)

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Council Bill No. 8-2010 (ZRA-123) – Introduced by: The Chair at the request of Forest Venture II, LLC - Amending the Howard County Zoning Regulations to allow the Zoning Board to approve variances to the bulk regulations in conjunction with site plan zoning petitions; and generally relating to Zoning Board consideration of site plan zoning petitions (*Tabled 04/05/2010*)

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